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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,747	02/14/2002	Martin Fink	BP-63PCT	7590

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application No. 09/980,747	Applicant(s) FINK, MARTIN	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> | 6) <input type="checkbox"/> Other: |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the swinging and sliding door (line 1, claim 1), conventional measure as safety devices (lines 8-9, claim 1), the train (line 2, claim 3), the station (line 2, claim 4) and the station platform (line 3 claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because recitations such as "The invention concerns" on line 1 can be easily implied and therefore should be deleted.

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Legal phraseology such as "means" on line 3 should be avoided. Recitations such as "or the like" on line 3 are confusing since the applicant has failed to set forth other alternatives to the free wheel in the disclosure. Therefore, one would be misled by the abstract into thinking that other alternatives to the free wheel have been disclosed. On line 4 "is possible always" is confusing since it is unclear how the door operator could function in the event of a power failure. On line 6, "for the part of the free wheel" is grammatically awkward and confusing. On line 7, "lifted" is confusing since it is unclear how the brake is moved vertically. On lines 9-10 "possible present convention measures" is confusing since it is unclear whether or not the convention measures are present and it is unclear what the conventional measures comprise. Lines 17-18 should be deleted as they are unnecessary and confusing. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

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REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a signal transponder located on the station platform.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to clearly set forth either an apparatus or a method.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the current supplied to the motor is reduced to the lower value FS. In other words, no apparatus for reducing the current supplied to the motor has been disclosed. It is unclear how a predetermined time interval is measured since no structure for measuring the time interval and description how that structure interacts with the door operator have been set forth. It is unclear how the speed of the train is measured since no structure for measuring the speed of the train and description how that structure interacts with the door operator have been set forth. It is unclear how the signal transponder located on the station platform interacts with the door operator since no structure for receiving a signal from the transponder has been disclosed.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with 35 USC 112 informalities. Therefore, it is requested the applicant rewrite the claims in light of the examples set forth below.

Recitations such as "Control the movement" on line 1 of claim 1 render the claims indefinite because it is unclear if the applicant is attempting to recite a method or an apparatus claim. Recitations such as "a sliding or swinging and sliding door" on line 1 of claim 1 render the claims indefinite because it is unclear which one of the two non-equivalent alternatives the applicant is attempting to positively set forth. Recitations such as "the end closing area" on line 2 of claim 1 render the claims indefinite because

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they lack antecedent basis. Recitations such as "means" on line 3 of claim 1 render the claims indefinite because the applicant has attempted to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding or following "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). Recitations such as "or the like" on line 3 of claim 1 render the claims indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Recitations such as "is possible always" on line 4 of claim 1 render the claims indefinite because it is unclear how the door operator could operate in the event of a power failure. Recitations such as "lifted" on line 7 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant attempting to set forth vertical movement of the brake? Recitations such as "possibly present" on line 8 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant setting forth safety devices or not? Recitations such as "conventional measures" on lines 8-9 of claim 1 render the claims indefinite because it is unclear what comprises "conventional measures". Recitations such as "the train" on line 2 of claim 3 render the claims indefinite because it is unclear if the applicant is attempting to claim the combination of a control and a train or the subcombination of a control. Claim 1 implies the subcombination while the positive recitation of the train on line 2 of claim 3 implies the combination. Recitations such as

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"50 N to 150 N, preferably 75 N" on lines 2-3 of claim 6 render the claims indefinite because it is unclear if the narrower limitation is a restriction or limitation on the broader range.

Claim Objections

Claim 5 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 7. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5-7, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Graziano in view of Pitts. Graziano discloses the control of the movement of a sliding or swinging door 1 in the end closing area of the door leaf, wherein the movement of the door leaf in the closing direction is possible always, and wherein a device 8a, 8b for determining the door position is present, wherein possible present conventional measures as safety devices against pinching in

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the predetermined end closing area are deactivated, that, as long as the door leaf is within the end closing area, the current supply of the door drive and thus the closing force acting on the door leaf is reduced to a lower value. Graziano is silent concerning a free wheel and a brake.

However, Pitts discloses a sliding door operator comprising a free wheel (not numbered, but seen in figure 2) and a brake 37.

It would have been obvious to one of ordinary skill in the art to provide Graziano with a free wheel brake coupling, as taught by Pitts, to prevent undesired movement of the sliding door.

With respect to claims 5 and 7 one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide Graziano, as modified above, with a closing area of approximately 150 mm to prevent a person or object from being pinched between the door and the transit vehicle.

With respect to claim 6 one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide Graziano, as modified above, with a

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closing force of 50 N to 150 N to prevent injury to a person or damage to an object should the person or object be pinched between the door and the transit vehicle.

Claims 2-4, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Graziano in view of Pitts as applied to claims 1 and 5-7 above, and further in view of Rush et al. Rush et al. discloses a transit vehicle control system comprising a means for controlling the door of the vehicle based upon time, speed and a position of the vehicle with respect to the station.

It would have been obvious to one of ordinary skill in the art to provide Graziano, as modified above, with a control system, as taught by Rush et al., to provide an automated means for controlling the doors.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Donaldson is cited for disclosing a door control system for a transit vehicle. Doyle, Browning et al., Ryan, Monot '108 and '786, Bayard et al. and Moreuil are cited for disclosing a door lock.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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September 8, 2003